

**Marc A. Stephens**

271 Rosemont Place, Englewood, NJ 07631, 201-598-6268

December 15, 2014

Honorable Judge William J. Martini  
NJ District Court

RECEIVED

DEC 22 2014

AT 8:30  
WILLIAM J. WALSH  
Request for Reconsideration

**RE: Marc Stephens vs Edward Jerejian, et el Civil Complaint 2:14-cv-06688-WJM-MF**

Dear Judge Martini,

I am in receipt of your Opinion and Order dated December 9, 2014. You're decision to deny the case was based on (1) Plaintiff's failure to plead a plausible cause of action because plaintiff did not attach a complaint, and (2) that the denial of the firearm application was likely justified.

On September 2, 2014, you granted the "fee waiver" for my case Marc Stephens, et el v City of Englewood case # 2:24-cv-05362-WJM-MF, see **Exhibit 1**.

On October 27, 2014, I did file a complaint with the clerk's office along with the IFP "fee waiver" application. Before I forwarded the complaint via mail, I asked the clerk's office if I had to re-send the same financial information that is on record with your chambers. I was advised to just forward the complaint with the fee waiver request without the financials.

On November 5, 2014, I was informed by, Ms. Hansen, in your chambers, of the Denial of my fee waiver request for the case indicated above. I was told I needed to submit supporting documents regarding my indigence. Ms. Hansen clarified the financial documents needed to be submitted for every new case regardless of the fact that previous supporting documents are on file with your chambers. So I forwarded the financials the next day, November 6, 2014.

I filed the recent lawsuit Stephens vs Jerejian et al (1) the judge denied my firearm application because he believed that my brother, Tyrone Stephens, who has a robbery conviction, reside with me despite the fact I provided proof that he did not and will not after his release from jail, (2) the judge denied my firearm application despite the fact that I had no disqualifiers, and I proved justifiable need which two police officers confirmed and testified in court, and (3) I argued that New Jersey firearm laws are facially unconstitutional.

First, in regards to Proof of residence, please see **EXHIBIT 2, page 2, paragraphs 1-3**, which is my Motion for Reconsideration filed March 17, 2014 with judge Jerejian, stating that my brother does not reside with me. I clearly argued that In The Matter of the Appeal by Starr Barrett, Docket No. A-2283-09T4 (N.J. App. Div. Feb. 16, 2011), the Appellant Division of the Superior court granted her application based on her testimony that her husband, Wayne Moore, would not be residing with her once he was released from prison.

This case involved the denial of Starr Barrett's application due to her association with two individuals with criminal records, her cousin and de facto husband who was at the time incarcerated in the Garden State Youth Correctional Facility in Yardville, New Jersey. After a hearing on November 20, 2009, the trial court reversed the Chief's decision and granted Barrett's application. Hillside Township appealed the trial court's decision, claiming that the issuance of the FPIC and permit to Barrett is not "in

the interest of the public health, safety or welfare" because of her association with the father of her seven-year-old child and the father's cousin.

The court gave appropriate deference to Deputy Chief Anthony Mayer's decision, in which he relied upon Mayer's determination that Wayne resided with Barrett prior to his incarceration and would likely reside with her when released. The trial court, however, found that Barrett was credible when she testified that she will not be residing with Moore, and granted the permit subject to that condition. The court's credibility finding is entitled to deference on appeal. **See Weston, supra, 60 N.J. at 46.** On appeal from Superior Court of New Jersey stated, "We will not disturb that ruling".

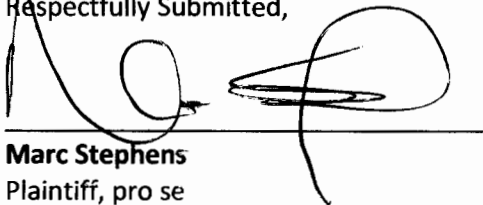
Star Barrett only provided testimony in court. I provided testimony and physical evidence. Please see **EXHIBIT 3**, which is a doctor's note from the Bergen County Juvenile Center back on May 16, 2013, 10 months before Judge Jerejian denial, stating that Tyrone, "Social History: *Previously lived with his mother and older brother (39)*", Judge Jerejian disregarded all of my evidence and the testimony of the officers. In addition, the document (next paragraph) also revealed that Tyrone and his doctor thought his attorney Nina Remson dismissed his robbery charge, "Prior Legal Hx: Prior dismissed charge for shoplifting/robbery".

This is why I filed the lawsuit case # 2:24-cv-05362-WJM-MF against his attorney Ms. Nina Remson for breach of contract, intentional infliction of emotional distress, and ineffective assistance of counsel, because we **adamantly** stated not to take any plea deal, and she agreed in writing. See **EXHIBIT 4 August 12, 2012**, Ms Remson stated "Bottom line if you do not want the plea bargain that is fine...I don't blame you or Tyrone. He is fully entitled to a trial. But, I need to be compensated for my time". And **EXHIBIT 5** which is a letter from Ms Remson dated **September 8, 2012**, stating "I understand your position that you will not consider a plea bargain under any circumstances". I found out about my brothers robbery conviction several months later at my gun hearing with Judge Jerejian. The prosecutor, Mr. Ryan McGee, handed me a copy of the Order which is dated **September 17, 2012**, 9 days after Ms. Remson's letter see **EXHIBIT 6**. Mr. McGee was also the prosecutor for my brother's robbery case, so he is also fully aware that for 6 months I was adamant about not taking a plea deal. The reason why I would not take a deal is because I have the video of the alleged robbery. Ms. Remson clearly did not fully watch the video or speak to the witnesses. In addition, our trial date was set for October 25, 2012.

Second, In regards to satisfying the justifiable need standard and no disqualifiers, please see **EXHIBIT 7**, which is page 4, paragraph 17-44 of my Motion for Reconsideration filed March 17, 2014 with Judge Jerejian regarding the testimony of Sgt. Alston of the Englewood Police Department stating that I have no disqualifiers, and the testimony of Sgt. Pulice of the Englewood Police Department stating the threats against me and my family are "serious threats". Using the phrase "justifiable need," the New Jersey Supreme Court held again that a permit to carry a handgun should only be issued to "those who can establish an urgent necessity for protection of self or others as for example, in the case of one whose life is in danger as evidenced by "serious threats" or earlier attacks." **Preis, supra, 118 N.J. at 566.**

In conclusion, I provided a \$400 check to the clerk's office along with the civil complaint. I would greatly appreciate if the case was re-opened and/or filed. Thank you.

Respectfully Submitted,



A handwritten signature in black ink, appearing to read 'Marc Stephens', is written over a horizontal line. The signature is stylized with a large, looping 'M' and a cursive 'S'.

**Marc Stephens**  
Plaintiff, pro se  
December 15, 2014

**Marc A. Stephens**

271 Rosemont Place, Englewood, NJ 07631, 201-598-6268

December 15, 2014

Honorable Judge William J. Martini  
NJ District Court

2014 DEC 22 07 11 53

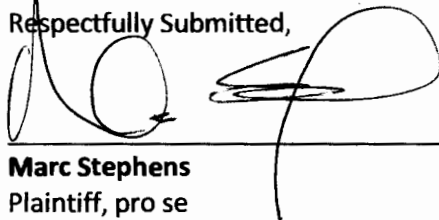
**RE: Marc Stephens vs Edward Jerejian, et el Civil Complaint 2:14-cv-06688-WJM-MF**

Dear Clerk,

Enclosed please find:

1. Request to reconsider reopening and/or filing case 2:14-cv-06688-WJM-MF
2. Civil Complaint, 29 pages, which was originally filed in October. Judge Martini denied my fee waiver request stating I did not file a complaint. I was told that if there is a case number that means the complaint was received and filed.
3. \$400 check for the filing of the civil complaint.
4. Civil Cover Sheet
5. Summons

Respectfully Submitted,



**Marc Stephens**  
Plaintiff, pro se  
December 15, 2014



JS 44 (Rev. 12/12)

**CIVIL COVER SHEET**

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

**I. (a) PLAINTIFFS**

Marc A. Stephens

**DEFENDANTS**

Hon. Judge Edward Jerejian, Chief Arthur O'Keefe

(b) County of Residence of First Listed Plaintiff Bergen

(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant Bergen

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

(c) Attorneys (Firm Name, Address, and Telephone Number)

Pro se

Attorneys (If Known)

**II. BASIS OF JURISDICTION** (Place an "X" in one box only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in one box for Plaintiff and one box for Defendant)

- |   | PTF                                   | DEF                                   |   | PTF                        | DEF                        |
|---|---------------------------------------|---------------------------------------|---|----------------------------|----------------------------|
| Citizen of This State                   | <input checked="" type="checkbox"/> 1 | <input checked="" type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2            | <input type="checkbox"/> 2            | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3            | <input type="checkbox"/> 3            | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

**IV. NATURE OF SUIT** (Place an "X" in one box only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<b>PERSONAL INJURY</b> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input checked="" type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	<b>PRISONER PETITIONS</b> <b>Habeas Corpus:</b> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <b>Other:</b> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

**V. ORIGIN** (Place an "X" in one box only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

42 U.S. Code § 1983

Brief description of cause:

Civil action for deprivation of rights under United States Constitution

**VII. REQUESTED IN COMPLAINT:**
☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

Relief

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

12/15/14

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

AO 440 (Rev. 12/09) Summons in a Civil Action

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# UNITED STATES DISTRICT COURT

for the

District of New Jersey

Marc A. Stephens

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*Plaintiff*

v.

Hon. Judge Edward Jerejian, Chief Arthur O'Keefe

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*Defendant*

)  
)  
)  
)  
)  
)  
)

Civil Action No.

## SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* Hon. Judge Edward Jerejian, 10 Main Street, Room 306, Hackensack, NJ07601;  
Chief Arthur O'Keefe, 75 South Van Brunt Street, Englewood, NJ 07631

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: \_\_\_\_\_

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*

AO 440 (Rev. 12/09) Summons in a Civil Action (Page 2)

Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE***(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
 was received by me on *(date)* \_\_\_\_\_.

☐ I personally served the summons on the individual at *(place)* \_\_\_\_\_  
 \_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
 \_\_\_\_\_, a person of suitable age and discretion who resides there,  
 on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* \_\_\_\_\_, who is  
 designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
 \_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the summons unexecuted because \_\_\_\_\_; or

☐ Other *(specify)*: \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc: